

JUN 24 1963

T. 6/21/63
DM:SJB:arg 13,440
144-100-1-8
AIR MAIL

Honorable James M. Scarborough
First Judicial District Court
State of New Mexico
Santa Fe, New Mexico

Dear Judge Scarborough:

The Attorney General appreciated very much receiving your views on the University of Alabama situation.

While it is true that Governor Wallace stood in one of the doorways to the University and read a proclamation which bristled defiance of the federal government and its courts, the fact is that he did not prevent, or even try to prevent, the Negro students from entering the campus and assuming their role as students. Thus, despite his language, the Governor refrained from doing what the court order forbade.

Sincerely yours,

Burke Marshall
Assistant Attorney General
Civil Rights Division

cc: Records
Chron.
Mr. Barrett
Trial File (Rm. 1140)

JUN 14 1963

T. 6/14/63
BM:SJB:arg
144-100-1-8

AIR MAIL

Honorable Macon L. Weaver
United States Attorney
354 Federal Building
Birmingham 3, Alabama

Re: United States v. Wallace, et al.
Civil Action No. 63-255

Dear Mr. Weaver:

We have not received official copies
of the preliminary injunction issued by Judge
Lynne against Governor Wallace on June 5.
We would appreciate your sending us ¹certified
copies.

Sincerely,

St. John Barrett
Second Assistant
Civil Rights Division

cc: Records
Chron.
Mr. Barrett
Trial File (RM/ 1140)

MEMO

STAND UP FOR ALABAMA AND WALLACE

The June 10 meeting of the above organization, scheduled to be held at the Klan Hall, Highway 11, was called off by Mr. Lewis Perkins (Exalted Cyclops) under the instructions of Mr. Robert Shelton.

The next regular meeting of the Klavern in Tuscaloosa is scheduled for June 12.

The Alabama Highway Patrol reported that it took firearms from all cars on the highway in the vicinity of the planned June 10 meeting whether or not the bearers of the firearms had permits. The number of firearms confiscated was not reported.

U. of Alabama file

Interview with Dave McGlathery June 9 - Sunday evening

At a meeting last week in the Office of Judge Lynne, United States District Court, Birmingham, it was decided that McGlathery would register at the University of Alabama Graduate Center, Huntsville, on June 13, at 2:30 pm. A Mr. Bennett, Administrative Vice President of the University of Alabama, Tuscaloosa, Mr. Morgan, McGlathery's attorney, and the two Negro students to register at Tuscaloosa were present at the meeting. The reason for McGlathery's late registration was not given. McGlathery will register for a math class entitled "Series and Special Functions". The classes will be every Tuesday and Thursday evening from 5:55 pm to 7:55 pm with a five-minute break at 7:00 pm. He is to report to Room 200 at the University Center for registration. His course will run 10-12 weeks. He has a University card (identification); however it will not be validated until he registers. His first class will be Thursday night, June 13th.

McGlathery has a BS degree from Alabama A&M College in Huntsville. He is a GS-7 employed by NASA in Building 4488, Room 308. He is currently working on radiation shielding. His normal working hours are 8:00 am to 4:30 pm. His wife is a clerk-typist for NASA personnel, and she works in their offices located on Memorial Parkway. He drops her off at her office on the way to work and picks her up at night. He has been working for NASA since October 1962. He has been living at 206 Lowe Avenue since December 1962. He has had no harassment since he started activities to enroll at the University Center.

Mr. Dolan told McGlathery that he is to live as normal a life as possible and that the Justice Department is to enforce the court order. Mr. Dolan explained that U. S. marshals would be with him to register and during his first few classes; however, they would fade into the background as the situation permits. McGlathery stated that he is not trying to

be a national figure or a leader of Negro integration movements, but that he just wants to take graduate work at the University Center, which is the only place he can get this type of instruction. He wants to take these classes so that he can improve his knowledge, work towards a Masters degree, and better his chances for promotion on his job. Mr. Dolan informed McGlathery that he is to call the FBI if he cannot get in touch with the Justice Department representative should he experience any unusual incidents.

Mr. Dolan will be in Huntsville until Monday night or Tuesday morning, at which time he and Mr. McShane will travel to Tuscaloosa. They will return to Huntsville Wednesday evening or early Thursday morning. The U.S. marshals (approximately 15) will report to the Post at Huntsville individually rather than as a group, some in private vehicles, some by air. McShane could not tell when they will start arriving, however it will probably be Tuesday or Wednesday. I will remain in Huntsville.

Dolan and McShane are taking a reconnaissance of the Huntsville area this morning with Major Brissel, after which they will rent a car and make an appointment to meet with the University Center officials.

Dick Chess

ls
10:30 am
6/10/63

U. of Ala
LH

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Dick Chess

ls
10:30 am
6/10/63

UNIVERSITY OF ALABAMA

Telephone call from Arvid Sather to John Dear

**June 8, 1963
1:40 p.m.**

(1) Talked to Blanchard McLeod yesterday. McLeod, (Circuit Solicitor of Dallas, Wilcox, etc) said that the Governor was going to get himself arrested.

(2) McLeod went to Bibb County last night to form an organization there. McLeod spoke. Sather thinks it is a WCC organization.

(3) In Sumter County the Negro leaders did not think that white people would go to Tuscaloosa.

(4) In Choctaw, the Circuit Solicitor, Wayne Gillmore who is very anti-Kennedy said he didn't think there would be any trouble. People had given up. Attitude - "What can you do against U. S. Army."

(5) Sather in barber shop in Montgomery today. People seemed resigned. He does not sense impending disaster.

(6) Newspapers, radio relatively calm. Most people seem to feel Wallace is just keeping his campaign promise.

UNIVERSITY OF ALABAMA

Telephone call from John Martin to John Dear

June 8, 1963
12:40 p.m.

John Martin called from Tuscaloosa.

- (1) Average number of people in town.
- (2) Police Department out in force.
- (3) Lots of police about 90 on west edge of campus by dorm.
- (4) Bull Connor spoke to White Citizens Council - 200 people. Said that we had to adopt Martin L. King's tactics of non-violence. They have the ball are on one-yard line. Got to get ball back.

Burke Marshall
Assistant Attorney General
Civil Rights Division

June 6, 1963

DRO:lvw

D. Robert Owen
Attorney

Summary, University of Alabama

**I have attached summaries of what I believe to
be pertinent information which we have gathered to
date**

GOVERNOR WALLACE

Source

Doar	6/3	Three weeks ago, Police Commissioners Ryan and Marable talked to Wallace to discuss keeping law and order. They said Governor flew into a rage, said that law and order was a communistic term.
FBI-Bennett	5/31	Report that Bennett heard in confidence that Governor intends to stand in door and that members of Alabama Highway Patrol will assist Governor in barring entry of Negroes even though Negro students will be assisted by marshals, and that it will therefore be necessary to call in federal troops.
Guthman	6/4	Information from Ed Ball formerly Editor of <i>Nashville Tennessean</i> said whole thing is greased. Wallace is going to make gesture then step aside.
FBI-Rose	6/5	Rose talked to Wallace June 3. Governor said wants no difficulty and will back out gracefully, but will fulfill promise to stand in the door.
FBI-Press	6/4	Speech before Kappa Phi Alpha. Wallace said only authorized persons would be allowed on campus June 10 and he is to make speech on June 5 and June 9.
Marshall-Rose	6/5	Information is that Wallace has attempted to forbid campus and Tuscaloosa police from protecting Negroes--Rose refused ultimatum.
Washington Post	6/6	Television broadcast June 5 "The action I am going to take involves even my personal freedom but I intend to carry it out regardless of what risks I take." Also urged people of Alabama to stay home next Monday.
FBI-Birmingham News	6/6	News story stated Wallace would be in Tuscaloosa to bar entrance of Negroes and if registration of Negro occurred on same day in Eutawville he would fly to Eutawville to be there.

Governor Wallace

- 2 -

Source

FBI-Sitten

6/6

Said Sitten recently talked to Governor who intimated that when he was pushed aside he would pull out and would also pull out highway patrol.

Meetings Scheduled

Source
and Date

Date of Meeting

FBI
June 3, 1963

United Klan, Headquarters Tuscaloosa. Robert N. Shelton, Imperial Wizard, sent letter on May 23, announcing public speaking and cross burnings on Saturday night, 8:00 p.m. on U.S. Hwy. 11 bypass.

June 5

Press-FBI
June 4

Tuscaloosa Citizens Council meeting. Holt High School, Holt, Ala., 7:30 p.m., June 7. Speakers, C. E. Hornsby, Jr., Centerville, Alabama Citizens Council Chairman, and "Bull" Connor, Birmingham. Announcement stated that people should attend the meeting to let Gov. Wallace know the people of Tuscaloosa are behind him.

June 7

FBI -
Birmingham News
June 6

Connor stated invited to speak at meeting in Holt 6 weeks ago. He is in full support of policy that there be no violence at the University.

June 6
above

FBI-Informant
June 6

Meeting of Bessemer Klavern of the United Klan, Shelton to speak, lay final plans.

June 7

FBI
June 3

So. Carolina Klan (Alton Amick, Columbia, S.C. Member) plans to have meeting June 6 to discuss plans about June 10 when they anticipate Wallace will go to jail.

June 6

Meetings Held

Marshall-Rose
June 5

Employees of Gulf State Company, Tuscaloosa (700 employees) voted to stand with Wallace. Check on meeting by FBI of employer, Vice President Reynolds, indicated he had no knowledge of meeting but thought employees had prepared telegram to send to Wallace.

FBI
June 6

Meeting June 5 National States' Rights Party, Montgomery, 150-250 present. Field spoke - indicates from meeting that group would take no action on June 10 but would take action later to segregate University of Alabama.

2.

Meetings Held (cont'd)

Source and
Date
FBI
June 5

National States' Rights Party held meeting
June 4 at Chester's Restaurant in Montgomery.
Six were present. Meeting cancelled.

Miscellaneous

FBI
June 5

Al Sisk - Assistant to Shelton - United Klans,
told President Rose that Klan would not take
part in any activity on campus.

Telegram to
Atty. Gen.
June 3

National States Rights Party, Dr. Edward Field,
stated they will be in Tuscaloosa on June 10
regardless of whether the Governor wants them
or not.

FBI-Informant
June 5

At meeting of Klan at Marion, Ala. on June 2
Roy Deason, Grand Dragon, reported to have
received call from Major Lingo, Alabama Hwy.
Patrol, who requested all Klansmen stay away
from Tuscaloosa. At meeting was agreed no
Klansmen to be in Tuscaloosa on June 10.
Lingo reported to have said to Deason that
any known Klansmen in Tuscaloosa area would
be arrested on sight.

**STATE LAW ENFORCEMENT PLANS--MOVEMENT
OF POLICE**

Source

Dear

6/3

Information Wallace will have 650 national guardsmen from City of Linden in Marengo County that will arrive in Tuscaloosa this weekend. Also 825 highway patrol. 100 City and fire policemen, all under Major Lingo's command.

FBI-Chief Marable 6/5

Marable advised 300 highway patrol to be on campus and 300 in reserve. The patrol would break up congregations of people in town--would remain at University as long as presence needed, but not indefinitely. Marable had asked representatives of Department about security of Negroes. Had not received any set answers.

FBI-June 6

R. P. Bridges, Sheriff, Marengo County, advised the FBI that Col. McManus, Commander of the National Guard at Linden, had told him that they had never been alerted to go to the Un. of Ala. that they had been on stand-by which was canceled on June 4. There are 300 men in the National Guard in Marengo County trained in mob control. There is no Klan in Marengo Co.

UNIVERSITY--PLANS AND PREPARATION

Source

Operations(Tuscaloosa)

Marshall	6/5	The operations will be under the direction of Dr. Alex Pow at Tuscaloosa. <u>Preparations(Tuscaloosa)</u>
FBI-Pow	5/31	Stoppage of construction work on campus; Removal of bottle vending machines; Sealing off campus on midnight, June 8, 1963; Stop selling liquor in Tuscaloosa Saturday morning, June 8; Possible joint command of Alabama patrol and Tuscaloosa police; Check of identification cards being issued to students and faculty at points of interest into the campus.
Doar-Rose	6/3	Letter sent to faculty and students forbidding cars on campus.
Guthman	6/4	Campus to be cordoned off. Restriction of reporters on campus.

Registration Plans(Tuscaloosa)

Marshall	6/4	Registration at Foster Auditorium. Miss Malone will register 9:30 a.m., June 11. Miss Malone will live at Byrd Hall. Mr. Hood will live at Palmer Hall.
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Miscellaneous(Tuscaloosa)

FBI-Rose	6/5	Rose hoped that the proper papers would be available to serve on the 6/5. No expressed concern if there is delay because serious difficulties might arise.
Marshall	6/5	The Board will meet on Monday night at which time Wallace will tell them what he intends to do.

University--Plans and Preparation

- 2 -

<u>Source</u>		<u>Operations(Huntsville)</u> (Geo. W. Campbell, President of Extension)
FBI-Pow	5/31	Said Wallace has no plans to send highway patrol but had considered sending some guardsmen, but Governor felt Huntsville would probably need no help. Planning at Huntsville in fluid stage.
FBI-Campbell		<ul style="list-style-type: none">(a) Campbell and Chief Spurlock of Huntsville met. Intends to use all 135 men and civil defense workers, if necessary.(b) Campus will be closed.(c) Students will be issued identification cards to get on campus.(d) Students will park at Highway 72 drive in, transported by bus to the school; check points leading to the campus. If necessary, cars on Route 72 by campus will be rerouted.(e) Mayor Cercey and Chief Spurlock are against using state highway patrolmen.

June 6, 1962

[Signature]

E. B. Owen

To: Mr. Marshall

From: Mr. Barrett

I have given some thought to what additional document could be served on Governor Wallace on June 10. We could of course fix up the preliminary injunction with a few extra buttons and bows such as a Clerk's attestation and perhaps even the Judge's certification that the Clerk is the clerk. For either the Governor or us to attach any particular significance to this type of performance, however, would be a little difficult.

It seems to me that the only real way for an additional order to come into the picture before June 10 is for the defendant to seek some sort of relief or review. He could:

1. Apply to the district court for a vacation of the preliminary injunction;
2. Move the district court for summary judgment (in which case we could file a cross-motion and obtain a permanent injunction on the basis of the present record).
3. File a notice of appeal and apply either to the district court or the Court of Appeals for a stay.

If the attorneys for Wallace take any of the above steps, then presumably John Doar could be armed with the order of the particular court denying the relief which they sought.

June 5, 1963

Information obtained from Mr. Marshall

**Governor Wallace has attempted to forbid University campus
and Tuscaloosa police to protect the Negroes on the campus.**

Dr. Rose refused this ultimatum.

June 3, 1963

Information obtained from Mr. Marshall

Dr. Rose reported to Mr. Marshall that the Gulfport State Printing Company, Tuscaloosa, Alabama, recently had a meeting in Tuscaloosa and voted to stand with Governor Wallace. The employer is purported to have told the employees to stay out of it.

Tuscaloosa also has 2 other large companies. The Goodrich Rubber Company in Tuscaloosa, Alabama, and the Central Foundry Company in Holt.

June 5, 1963

Information obtained from Mr. Marshall

Registration will be at Foster Auditorium at the University of Alabama.

Miss Malone will register on Tuesday at 9:30 a.m. in Tuscaloosa.

Mr. Glathery registered at 2:30 p.m. on Thursday.

Miss Malone will live at Mary ^{Syrd} ~~Burke~~ Hall.

Hood will live at Palmer Hall.

The Board of ~~Trustees~~ Trustees will have a meeting on Monday night at which time Governor Wallace will tell the Board what he intends to do on Tuesday.

The operations and details of the University, ^{in the matter} will be under the direction of Dr. Alexander Pow.

5 June 1963

Mr. Charles F. Wittenstein
Area Director
The American Jewish Committee
41 Exchange Place, S. E.
Atlanta 3, Georgia

Dear Mr. Wittenstein:

Thank you for your letter, information, and offer of assistance. We will have representatives in both cities, but I am not now sure who they will be. Your conference people, some of whom I know, may be of assistance. I will keep them in mind. In the meantime, we will appreciate any information or suggestions.

Very truly yours,

Burke Marshall
Assistant Attorney General
Civil Rights Division

June 5, 1963

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RE: UNIVERSITY OF ALABAMA

Telephone call to Jeff Bennett from D. Robert Owen

June 5, 1963
3:20 p.m.

I advised Mr. Bennett that we had information that a Negro by the name of Brookings from New York was coming to Alabama to try to register and that we were checking into the report. He said that he had just been advised of this fact by the FBI. He said he did not know who the fellow was and they had had no contact with him at all. He was very appreciative of the fact that we advised him. I told him Mr. Doar would discuss it further with him if we had further information when he saw him tomorrow.

June 5, 1963
1:28 p.m. EDT

Phone Call to Charles Morgan (FA 2-2642)

Morgan advised of the meeting in Birmingham at United States Attorney's office, 9:30 a.m., June 6. This was the first information he had of it. He said he would be there with his client, McGlathery. I will call him back if there is any change in plan.

TO: Marshall

FROM: Owen

SUBJECT: Summary of Information in Alabama - June 3

Movements of Segregationists

Source

FBI - June 3 1. The National States Rights Party held a meeting on the night of June 4th at Chester's Restaurant in Montgomery. Six people were present. The meeting was canceled.

NY Times

June 3 2. The National States Rights Party distributed leaflets in Montgomery on June 4th announcing a rally to be held on June 5th five miles outside of Montgomery. Dr. Edward Fields will speak at this rally.

FBI - June 3 3. The Association of South Carolina Klans (Alton Amick appears to be the leader at this point) plans to have a meeting on June 6th. They further plan to be ready to move on June 10th when they anticipate Wallace will go to jail.

FBI - June 3 4. The United Klans of America, headed by Robert M. Shelton, sent a letter on May 23, 1963, received by a reliable informer on June 1, 1963, announcing a public speaking and cross burning on Saturday, June 8 at 8 PM on U.S. Highway 11 near Tuscaloosa.

FBI - June 3 5. Al Sisk, an Assistant to Shelton, of the United Klans has told President Rose that the Klan would not plan or take part in any activity on the campus.

**Telegram to
A G**

June 3 6. The National States Rights Party, headed by Dr. Edward Fields, has sent a telegram to the Attorney General saying that they will be in Tuscaloosa on June 10th.

TO: Marshall
FROM: Owen
SUBJECT: Summary of Information in Alabama - June 5

Movements of State Police

Source

Tuscaloosa, University of Alabama

- FBI - June 5 1. Tuscaloosa Chief of Police Marable says that the Alabama Highway Patrol will have about 300 men on the campus and 300 men in reserve and they will be imposing a 9:00 curfew. They will remain at the University as long as their presence is needed but not indefinitely.
- Doar June 3 2. Mr. Doar has information that Wallace is going to call up 650 National Guardsmen from the city of Linden in Marengo County and they will arrive in Tuscaloosa on the weekend. Also 825 highway patrolmen and 100 city fire and policemen. All will be under Lingo's command.
- FBI June 4 1. George W. Campbell, President of the Extension Center in Huntsville said on June 3 that registration at the extension center will take place on June 10 and 11 from noon to 8:00 p.m. As of June 3 no one knew when McGlathery planned to register.
- Campbell had met with Chief of Police Spurlock and other officials of the City of Huntsville. The Chief of Police plans to use all 35 of his men and civil defense workers if necessary. The entire campus will be closed from June 9 until completion of registration on June 11. Students will be issued identification cards in order to get on campus. No cars will be parked on campus. Students will park at the Highway 72

-2-

Drive-In and will then be transported by bus to the school, with policemen on each bus. There will be check-points on all roads leading to the campus and if necessary all cars on Route 72 by the campus will be checked or re-routed. There are no plans now to use the Alabama Highway Patrol and Mayor Cearcy and Chief of Police Spurlock are very much against using state troopers.

J. L. Carroll, the Administrative Assistant at Redstone Arsenal said on June 3 that troops will begin arriving at Huntsville on June 5 and 6. The plans for 5,000 to 11,000 troops to arrive at Huntsville are still in effect.

In conformity with and pursuant to the memorandum opinion of the Court contemporaneously filed herein:

June 5, 1963

It is hereby ORDERED, ADJUDGED AND DECREED *by the Court* that George C. Wallace, together with his agents, employees, subordinates, successors and all persons in active concert or participation with them or any of them, be and they are hereby enjoined preliminarily, pending the final determination of this action, from:

- (a) preventing, blocking or interfering with, by physically interposing his person, or that of any other person under his direction or control, the entry of Vivian J. Malone to the campus or any part of the campus of the University of Alabama at Tuscaloosa, Alabama on June 10, 1963, or any day thereafter, for the purpose of enrollment as a student at the University of Alabama;
- (b) preventing, blocking or interfering with, by physically interposing his person or that of any other person under his direction or control, the entry of David M. McGlathery to the campus or any part of the campus of the University of Alabama Extension Center at Huntsville, Alabama on June 10, 1963, or any day thereafter, for the purpose of enrollment as a student at the University of Alabama;

- (c) Preventing or seeking to prevent, by any means, the enrollment or attendance at the University of Alabama of any person entitled to enroll in or attend the University pursuant to the order of this Court of July 1, 1955, in the case of Autherine J. Lucy, et al. v. William F. Adams, Civil Action No. 652.

June 4
4:40 PM

SUBJECT: Jimmy Hood

Hood is a pleasant person on the telephone. He said he would do what we wanted him to do. His present plans are to stay in Columbia until Friday and take a bus to Gadsen. He plans to go over to the University on Monday or Tuesday. He said if we wanted him to be there before that time, he would have to fly - which he would do but he asked me to tell Gray that they would have to help finance his trip if he flew.

His phone number in Columbia is: Area Code 803, 252-0085 and in Gadsen, Alabama: Area Code 205, LI 7-3471. Address: 102 Brown Street.

June 4
4:20 PM

FROM: Owen

SUBJECT: Telephone Call to Fred Gray

I talked to Fred Gray directly this afternoon and he assured me Jimmy Hood would be cooperative. Hood is in Columbia, South Carolina, in care of Rev. I. D. Quincy Newman, 20010 Chapel Street, Columbia, South Carolina.

June 4
4:02 PM

SUBJECT: Telephone Call from John Doar

John Doar said he is going to fly up to Oxford and advise me to call Fred Gray back not to attend the meeting in Birmingham. He said that he had talked to the judge then who told him to work out the details with Bennett and Dr. Pow. John said he could not reach Bennett until tonight because Bennett is with the governor.

June 4, 1963
3:00 p.m. EDT

Phone Call from Joe Dolan-- re Alabama

Dolan advised me to inform Joe Califano, Assistant to the Secretary of the Army, Department of Defense, of all movements of strange people or organizations in the Alabama area.

UNIVERSITY OF ALABAMA

Telephone call from John Doar to D. Robert Owen

June 4, 1963

2:50 p.m. Mr. Doar advised me to call Fred Gray and to obtain contact with Hood. He wants Hood to meet him at 9:00 a.m. on Thursday morning in the United States Attorney's office in Birmingham. If there is any problem with this arrangement with Gray, Stern is to be dispatched to Birmingham this afternoon to contact Hood directly.

12:35 p.m.
June 4, 1963
DRO:mc

Telephone call

From: John Doar

To: Mr. Owen

Requested I call Fred Gray advising of meeting with University official in Birmingham advising him he is welcome to attend, that conference involves preliminary consultations, rooms, protection, movement, attitude of university press problems. Mr. Doar said he should be advised of this because the Department was not representing the Negroes and there should be no unilateral commitment by any of the Negroes without representation.

Advised me to call Dent, NAACP in New York, telling Miss Malone will not appear tomorrow for TV broadcast because of conference with University officials.

Advised me to call Morgan, attorney for McGathery, and advising of meeting in U.S. Attorney's office in Birmingham.

Advised me to call Jeff Bennett at University to tell him our information about Bookins, Negro from New York, and that Doar will discuss it with him tomorrow.

June 3, 1963
7 p.m. EDT

Phone Call from John Doar, University of Ala.

Macon Weaver and John Doar visited Army headquarters, 4th Corps Headquarters, in Tuscaloosa, which is about 13 blocks from the campus. He says there is a lot of room there to house the Department of Justice personnel and others if necessary. He also informed us that Hood from East Gaston, Alabama, has qualified to enter the University of Alabama. Mr. Lemater, the Banker, says it would be best for Vivian Malone to arrive at the University first.

(Doar)
They have information that Wallace is going to call up 650 national guardsmen from the City of Linden in Marengo County and that they will arrive in Tuscaloosa on the weekend. Also 825 highway patrolmen and 100 city fire and policemen. All will be under Lingo's command.

Today, June 3, President Rose of the University of Alabama sent letters to the faculty and students informing them that no cars would be allowed on campus.

About 3 weeks ago police commissioners Ryan and Marabell went to talk to Governor Wallace and discussed keeping law and order. They said that Governor Wallace flew into a rage and said that law and order was a communistic term.

University of Alabama

On Saturday night, June 1, 1963, I called Miss Vivian Malone at HE 8-9982, Mobile, Alabama, address 760 St. Anthony Street, Mobile, and made arrangements to meet her either Monday afternoon or Tuesday afternoon in Mobile to discuss plans for her admission to the University. She was very friendly and courteous. I am to call her Monday afternoon to make final arrangements. She said that she is to register either on the tenth or eleventh. She has not yet received notification of the exact hour. She plans to attend both sessions of the summer school.

John Doar

Sit-Ins, Birmingham, Alabama

"I have conferred at length with the 'Committee of the Alabama State Bar to advise the Governor on questions of constitutional law and state sovereignty', and I am advised by them that in their opinion (1) that statute (Title 10, Section 333, United States Code) is unconstitutional in that it is clearly contrary to the provisions of Article 4, Section 4 of the Constitution of the United States which directs in substance that Federal troops cannot be sent to a state except on invitation of the Legislature of the State, or if it cannot be convened, then on the invitation of the Governor. No such invitation or application has been made to the President of the United States. (2) That in any event, whether the statute is violative of the Federal Constitution or not, there could be no occasion or justification for sending such Federal troops into Alabama, because law and order were being enforced and preserved adequately by the Alabama authorities.

"The committee is of the opinion, in which opinion I concur, that the intrusion of Federal troops into Alabama is unlaw and unjustified, that their presence is provocative and imperils the peace and domestic tranquillity of the community; and they have advised me that in their opinion we should test in the courts the basic constitutional principles and rights involved.

"We are confident that the court will confirm the construction of the Constitution asserted by us that the sovereign states and the people of the United States alone have responsibility to maintain law and order in the respective states and that the Federal government may not interfere by sending troops into a state unless requested by the Legislature or Governor of that state. To hold otherwise is to establish a Federal military dictatorship."

The following is a copy of "Motion For Leave to file Original Bill of Complaint," and "Original Bill of Complaint," filed May 18, 1963 in the United States Supreme Court in the

Sit-In, Birmingham, Alabama

recently appointed at the Governor's request to advise him on racial matters.

Wallace talked with newsmen at the mansion because he has been suffering from a cold and had not returned to his office at the capitol.

Earlier, the Alabama Governor charged in another telegram to the President that "advance echelons of a military striking force" have already been sent to Alabama's largest city.

Talking with reporters after the statement was issued, Wallace declined to say where or when the suit will be filed.

The following is a Press Release by Governor George C. Wallace, of Alabama, made on May 18, 1963:

"We have today filed in the Supreme Court of the United States an action to test and determine the authority of the President of the United States to send Federal troops into a state, at his whim or caprice, upon the pretext of preserving domestic tranquillity when no Federal law is being violated and when domestic tranquillity is being adequately preserved by State, County and local law enforcement agencies.

"The President of the United States has said that he is acting under the authority of the provision of Section 333 of Title 10 of the United States Code, which provides in substance that the President may send troops into a state to suppress domestic violence or insurrection in that state in two, and only two, instances: (1) when the duly constituted State authorities are unable, fail or refuse to protect the people; or (2) obstructs the execution of the laws of the United States such as, for instance, the violation of a court order or injunction issued by a Federal court. There is no violation of a court order in this case for there is no court order involved, and most certainly the duly constituted authorities of the State have not failed nor refused to control the situation in Birmingham

4. State / Ala.
Div.

Mr. J. Edgar Hoover
Director, Federal Bureau of Investigation

May 16, 1903

John W. Douglas
Assistant Attorney General
Civil Division

JWD:AR:1c
NEW

Possible suit by Governor Wallace
to enjoin use of Federal troops

Governor Wallace of Alabama has made public statements that he intends to file a suit seeking to enjoin the use of Federal troops in Alabama, which the President dispatched on May 12, 1903. The Civil Division has been assigned the responsibility for defending any such suit. It will be our position, of course, that the Governor's suit is premature in that the President has not yet made use of the troops in question. We will also argue that the exercise of the President's discretion under 10 U.S.C. 333 is not subject to judicial review.

We contemplate that Governor Wallace will urge that any attempt to invoke 10 U.S.C. 333 (1) is subject to judicial review, and that for this section to apply the United States must show a discrimination or denial of 14th Amendment rights by State authorities. If the court should agree with this argument, it may be necessary for the Government to produce evidence sufficient to show some discrimination and denial of 14th Amendment rights by State or local authorities in Birmingham in recent days.

Accordingly, it is requested that you furnish us with the names of five Special Agents who have been assigned to the Birmingham area and who have first-hand knowledge of the facts and circumstances regarding the use and deployment of Alabama State troopers. Also, we wish to obtain all photographs which show the action and positioning of Alabama State troopers.

Because of the likelihood that Governor Wallace will bring suit immediately, we will appreciate it if the foregoing information can be made available as quickly as possible. The information should be given to Alon Rayold of the Civil Division, Room 3141, Extension 3303, who is responsible for the assembling of all material on this subject.

1:50 p.m.
5/10/63

U S v Alabama

Investigator

Mr. Lavin of the Bureau left the following message:

There was an article in the morning edition, May 10, of the Birmingham Post Herald, captioned "March Set, CORE Says". The article stated that the Field Secretary of CORE in Birmingham stated an integrated group would begin a freedom march in the footsteps of slain Baltimore postman Moore. The secretary of CORE was identified as Marvin Robinson, New Orleans. He said that from 10-15 persons would start walking from Chattanooga, Tennessee next Tuesday, May 14, destination, Jackson, Mississippi. He also indicated that they plan to hold a memorial service for Moore when they reach the spot where he was shot and killed. The Bureau has alerted their different offices in the South to alert local authorities of contemplated plans of CORE.

Verne

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

MAY 9 1963

TO : Messrs. ✓ St. John Barrett,
John Murphy and Maceo Hubbard
Civil Rights Division

DATE: May 8, 196

JD:lvw

FROM ^{SP} John Doar
First Assistant

SUBJECT:

In view of the walkers across the Alabama line and in view of the arrests in Birmingham, I wonder whether you draw a distinction for investigative purposes between the arrest of American Nazis by Miami police and the Alabama situation.

Please tell me your views.

I see no distinction.

[Signature]

Use Alabama

Investigation

Form No. 50-946
(Rev. 4-13-61)

DEPARTMENT OF JUSTICE
ROUTING SLIP

TO	
NAME	BUILDING AND ROOM
1. <i>Mr. Parsons</i>	FEB 18 1963
2. <i>Verne</i>	
3.	
4.	
5.	

<input type="checkbox"/> SIGNATURE	<input type="checkbox"/> COMMENT	<input type="checkbox"/> PER CONVERSATION
<input type="checkbox"/> APPROVAL	<input type="checkbox"/> NECESSARY ACTION	<input type="checkbox"/> AS REQUESTED
<input type="checkbox"/> SEE ME	<input type="checkbox"/> NOTE AND RETURN	<input type="checkbox"/> NOTE AND FILE
<input type="checkbox"/> RECOMMENDATION	<input type="checkbox"/> CALL ME	<input type="checkbox"/> YOUR INFORMATION
<input type="checkbox"/> ANSWER OR ACKNOWLEDGE ON OR BEFORE _____		
<input type="checkbox"/> PREPARE REPLY FOR THE SIGNATURE OF _____		

REMARKS

Attached is another draft memo to the FBI. Mr. Deane would like you to please go over it and if you think it is all right, let me know and I will type it final so that it can go forward. Also, he asked me to find out from you, how it should be titled. Thanks.

Verne

looks O.K.
[Signature]

FROM	
NAME	BUILDING, ROOM, EXT. DATE

U.S. v. Ala.

FEB 19 1963

February 18, 1963

Director
Federal Bureau of Investigation

BN:JD:lvw

Burke Marshall
Assistant Attorney General
Civil Rights Division

Volunteers for Alabama and Wallace; James L.
Craft; Conspiracy to Obstruct Court Orders

The attached clipping of the Alabama Journal indicates that a group of one hundred men urged Governor George Wallace to call upon them for help in the event of a school integration attempt in Alabama. The spokesman for the group was reported to be James L. Craft of Montgomery, Alabama and the group called itself "Volunteers for Alabama and Wallace".

Please conduct a background investigation to determine the membership of this group and advise us on a periodic or emergency basis as to any activities of this group in connection with interfering or obstructing lawful court orders in connection with school desegregation in Alabama.

cc: Records
Chrono
Doar ✓
Barrett
Trial File